

E-filed on 10/26/06

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**IN RE CYGNUS TELECOMMUNICATIONS
TECHNOLOGY, LLC, PATENT
LITIGATION**

No. MDL-1423
This Order Applies to All Actions

**THIS ORDER RELATES TO:
All Actions**

C-02-00142 RMW
C-02-00145 RMW
C-02-05437 RMW
C-03-03594 RMW
C-03-03596 RMW
C-03-03378 RMW
C-03-04003 RMW
C-04-03001 RMW
C-04-03365 RMW
C-04-04247 RMW
C-04-04359 RMW
C-06-03843 RMW
C-06-04295 RMW
C-06-06479 RMW

ORDER REGARDING SUBJECT-MATTER JURISDICTION

23 On October 24, 2006, defendants filed a notice of a potential defect in this court's subject-
24 matter jurisdiction and stated that they may move to dismiss on that ground. Any questions
25 regarding subject-matter jurisdiction should be resolved prior to the hearing on claim construction
26 and associated summary judgment motions currently set for November 20. To accommodate the
27 competing concerns of expediency and efficiency presented by this situation, the court would
28 strongly prefer defendants to file any motion to dismiss for lack of subject-matter jurisdiction—and

1 only if one is warranted—jointly by October 31, 2006. If the defendants do file such a motion by
2 that date, plaintiff's reply shall be due November 4, defendants' joint reply shall be due November 6,
3 and a hearing shall be held on the motion on November 10, 2006. Other deadlines previously set by
4 the court shall remain in effect absent further order of the court, except that if defendants move to
5 dismiss for lack of subject-matter jurisdiction by October 31, 2006, the reply briefs currently due
6 November 10, 2006 may be filed the following Monday, November 13. If the defendants move to
7 dismiss for lack of subject-matter jurisdiction after October 31, 2006, the parties shall endeavor to
8 have the motion briefed and heard as soon as possible.

9

10

11 DATED: 10/26/06

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

1 **A copy of this order was mailed on _____ to:**

2 **Counsel for Plaintiff:**

3 John P. Sutton
4 2421 Pierce Street
5 San Francisco, CA 94115-1131

Kieran Patrick Fallon
436 SW 8th Street
Miami, FL 33130-2814

6 **Counsel for Defendants:**

7 Alan M. Weisberg, Steven M. Greenberg
8 Christopher & Weisberg, P.A.
9 200 E. Las Olas Avenue
10 Suite 2040
11 Fort Lauderdale, FL 33301

Matthew Francis McGahren
Baum & McGahren
6171 Crooked Creek Road
Norcross, GA 30092

12 John C. Carey
13 Rodriguez Greenberg & Paul
14 1395 Brickell Ave, Suite 700
15 Miami, FL 33131

Lori D. Greendorfer, Maxim H. Waldbaum
Schiff Hardin LLP
623 Fifth Avenue
28th Floor
New York, NY 10022

16 Felice B. Galant, Gregory B. Wood
17 Fulbright & Jaworski L.L.P.
18 865 South Figueroa Street
19 Twenty-Ninth Floor
20 Los Angeles, CA 90017

Thomas T. Tamlyn
Yeskoo Hogan & Tamlyn, LLP
535 Fifth Avenue
New York, NY 10017

22 Joseph P. Zammit
23 Fulbright & Jaworski
24 666 Fifth Avenue
25 New York, NY 10103

Peter S. Canelias
Law Offices of Peter S. Canelias
420 Lexington Avenue
Suite 2148
New York, NY 10170

28 John F. Mardula, Jon L. Roberts
29 Roberts Mardula & Wertheim, LLC
30 11800 Sunrise Valley Drive
31 Suite 1000
32 Reston, VA 20191-5302

David T. Alexander
MBV Law LLP
855 Front Street
San Francisco, CA 94111

35 Richard B. Sheldon
36 Mitchell Silberberg & Knupp LLP
37 11377 West Olympic Boulevard
38 Los Angeles, CA 90064-1683

Jon M. Gibbs
Akerman, Senterfitt
255 S. Orange Avenue
Suite 1700
Post Office Box 0231
Orlando, FL 32802-0231

41 Jeffrey L. Silvestrini, Brian F. Roberts
42 Cohne Rappaport & Segal
43 P.O. Box 11008
44 Salt Lake City, UT 84147-0008

Elizabeth E. Green, R. Scott Shuker
Gronek & Latham, LLP
390 N. Orange Avenue
Suite 600
Orlando, FL 32801

47 Raymond J. Etcheverry
48 Parsons, Behle & Latimer
49 One Utah Center
50 201 South Main Street,
51 Suite 1800, Post Office Box 45898
52 Salt Lake City, UT 84145

Meredith L. Caliman
Meredith L. Caliman Law Offices
3858 Carson Street, Suite 120
Torrance, CA 90503-6705

Gregory J. Nelson
Nelson & Roediger
3333 E Camelback Road, Suite 212
Phoenix, AZ 85018

1 Peter Neil Greenfeld
2 Greenfeld Law Group
3 3333 E Camelback Road, Suite 212
Phoenix, AZ 85018-2324

4 Matthew McGahren
Baum, McGahren & Chiu, LLC
6171 Crooked Creek Road
5 Norcross, GA 30092

Courtesy Copy:

Clerk of the Panel
Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Room G-255, North Lobby
Washington, DC 20002-8004

6
7 Counsel for plaintiff is responsible for ensuring that involved attorneys not on the above service list
receive a copy of this order, if necessary, and shall inform the court of any omissions.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28